

## Message Text

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ORIGIN OES-06

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FM SECSTATE WASHDC

TO AMEMBASSY PANAMA PRIORITY

C O N F I D E N T I A L STATE 111224

E.O. 11652: GDS

TAGS: PFOR, EFIS, PLOS, PN

SUBJECT: GOP AND US TUNABOATS

REF: (A) PAN 3240, (B) PAN 3169, (C) PAN 3163, (D) STATE

107342

1. DEPT APPRECIATES SUCCESSFUL EMBASSY EFFORTS TO RESOLVE SENSITIVE AND DIFFICULT SITUATION REGARDING VOYAGEUR AND KALI. NOW THAT VESSELS HAVE DEPARTED CANAL ZONE, THUS DEFUSING IMMEDIATE PROBLEM, EMBASSY ASSESSMENTS REGARDING SOME OTHER ISSUES RAISED BY THIS INCIDENT ARE REQUESTED.

--A. MOST URGENT QUESTION OF GOP INTENTIONS REGARDING CAPE COD AND BOLD PRODUCER, TWO OTHER VESSELS CHARGED BY GOP WITH ILLEGAL FISHING, APPEARS TO BE ANSWERED BY REFTTEL (A). FYI. OWNER OF BOLD PRODUCER DECIDED TO HAVE VESSEL UNLOADED IN CALIFORNIA RATHER THAN PUERTO RICO AS PLANNED. VESSEL IS SCHEDULED TO ARRIVE SAN DIEGO 9 MAY. AFTER UNLOADING, WHICH MAY TAKE SEVERAL WEEKS, BOLD  
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PRODUCER MAY FISH ANY OF SEVERAL AREAS IN EITHER ATLANTIC

OR PACIFIC, BUT IN ANY CASE WILL BE TRANSITING CANAL AT SOME POINT SINCE VESSEL IS BASED IN PUERTO RICO. CAPE

COD IS ALSO PUERTO RICO-BASED VESSEL AND CURRENTLY PLANS TO TRANSIT CANAL IN 1-2 WEEKS AFTER FILLING UP WITH FISH. HOPEFULLY ISSUE WITH RESPECT TO THESE VESSELS WILL BE SOON SETTLED ALONG LINES SUGGESTED REFTEL (A). VESSELS' OWNERS HAVE INDICATED TO DEPT THEY WOULD CONSIDER BUYING RETROACTIVE FISHING LICENSE ALONG LINES OF VOYAGEUR AND KALI SETTLEMENT. END FYI.

--B. ANOTHER QUESTION OF SOME URGENCY RAISED BY INCIDENT IS STATUS OF 19 TUNABOATS REPORTED REFTEL (B) TO BE PRESENTLY IN CANAL. ALTHOUGH WE HAVE NO CONCRETE INFORMATION, DEPT ASSUMES THAT A NUMBER OF THEM PROBABLY ARE US FLAG VESSELS. SHOULD GOP DECIDE TO CHARGE ANY OF THESE VESSELS WITH ILLEGAL FISHING AND THREATEN SEIZURES WE WOULD HAVE MAJOR PROBLEM, SINCE QUESTIONS OF FREEDOM OF TRANSIT AND OTHER NAVIGATIONAL RIGHTS WOULD BE RAISED. DEPT'S JUDGMENT IS THAT PERHAPS WE ARE BETTER OFF NOT RAISING ISSUE OF THESE PARTICULAR VESSELS AT THIS TIME. WE WOULD WELCOME EMBASSY VIEWS REGARDING THIS.

--C. REFTEL (A) ADDRESSES QUESTIONS OF GOP INTENTIONS WITH RESPECT TO TUNA FISHING INSIDE ITS CLAIMED 200 MILES. APPARENTLY GOP INTENDS TO ACTIVELY ENFORCE ITS FISHERIES LAW AND TO MAKE LICENSES AVAILABLE TO FOREIGN VESSELS DESIRING TO FISH WITHIN GOP 200-MILE ZONE. WHILE PERHAPS USG IS NOT IN POSITION TO DISSUADE GOP FROM PURSUING THIS POLICY, IF IN PRACTICE GOP COULD FIND ITS WAY CLEAR NOT TO ACTIVELY ENFORCE FISHING CLAIM UNTIL SUCH TIME AS IATTC CAN BE RENEGOTIATED AND NEW ARRANGEMENTS AGREED UPON, THIS WOULD OBVIOUSLY BE OF GREAT VALUE IN ENSURING THAT TROUBLE BETWEEN TWO COUNTRIES IS AVOIDED ON THIS ISSUE. THIS IS TRUE SINCE MANY US BOATS WILL PROBABLY NOT PURCHASE LICENSES

AND 200 MILE LEGISLATION WILL NOT PERMIT USG TO ENCOURAGE SUCH PURCHASES BY TUNA VESSELS. FURTHER INFORMATION REGARDING GOP INTENTIONS SHOULD BE REPORTED PROMPTLY  
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AND EMBASSY VIEWS AS TO HOW BEST TO DEFUSE THIS SITUATION WELCOMED.

--D. FINALLY, RECENT EVENTS, ESPECIALLY GOP ACTION WITH RESPECT TO SENEGALESE-FLAG VESSEL JOFONDOR AS REPORTED REFTEL (C), RAISE QUESTION OF WHETHER FISHING VESSELS INTENDING ONLY TO TRANSIT GOP CLAIMED WATERS WITH NO INTENTION OF FISHING CAN DO SO WITHOUT FEAR OF

SEIZURE OR HARRASSMENT. IN ADDITION TO TRANSIT OF CANAL, TREMENDOUS AMOUNT OF ACTIVITY ON PART OF TUNA VESSELS IN THE AREA FOR TRANSSHIPPING, REPAIRS, ETC., NECES-  
SITATES CLARIFICATION OF THIS QUESTION. EMBASSY REQUESTED TO ASSESS PANAMANIAN INTENTIONS IN THIS AREA AND ADVISE DEPT. DEPT BELIEVES IT TO BE OF GREAT IMPORTANCE THAT THERE BE NO MISUNDERSTANDING BETWEEN TWO GOVERNMENTS ON TRANSIT OF CANAL AND FREEDOM OF NAVIGATION QUESTIONS. DEPT CONSIDERING DIPLOMATIC NOTE ON THIS POINT AND WOULD APPRECIATE EMBASSY VIEWS REGARDING THIS.

2. THERE STILL REMAINS QUESTION OF POSSIBLE VISIT BY HIGH-LEVEL TEAM FROM WASHINGTON TO DISCUSS TUNA QUESTION. CONCERNS AND CONSTRAINTS EXPRESSED BY DEPT IN PARA 1 REFTEL (D) REMAIN, BUT IF IN EMBASSY'S VIEW SUCH A VISIT WOULD BE HELPFUL IN KEEPING LID ON THIS PROBLEM, WE ARE, OF COURSE, PREPARED TO PURSUE THIS POSSIBILITY. SISCO

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